

**BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

IN THE MATTER OF REVISIONS TO)	
WATER QUALITY RULES AND)	STATEMENT OF
REGULATIONS, CHAPTER 24)	PRINCIPAL REASONS
CLASS VI INJECTION WELLS)	FOR ADOPTION
AND FACILITIES)	

INTRODUCTION

The Environmental Quality Council, pursuant to the authority vested in it by the Wyoming Statutes 35-11-112 (a)(i) has adopted revisions to the following chapter of the Wyoming Water Quality Rules and Regulations: Chapter 24, Class VI Injection Wells and Facilities.

Section 35-11-302 (a) of the Environmental Quality Act (the Act) states that the administrator, after receiving public comment and after consultation with the advisory board, shall recommend to the director rules, regulations, standards and permit systems to promote the purposes of this act. Such rules, regulations, standards and permit systems shall prescribe:

(iii) Standards for the issuance of permits for construction, installation, modification or operation of any public water supply and sewerage system, subdivision water supply, treatment works, disposal system or other facility, capable of causing or contributing to pollution.

(vi) In recommending any standards, rules, regulations, or permits, the administrator and advisory board shall consider all the facts and circumstances bearing upon the reasonableness of the pollution involved including:

- (A) The character and degree of injury to or interference with the health and well being of the people, animals, wildlife, aquatic life and plant life affected;
- (B) The social and economic value of the source of pollution;
- (C) The priority of location in the area involved;
- (D) The technical practicability and economic reasonableness of reducing or eliminating the source of pollution; and
- (E) The effect upon the environment.

Section 35-11-313 (f) of the Act states that the administrator of the water quality division of the department of environmental quality, after receiving public comment and after consultation with

the state geologist, the Wyoming oil and gas conservation commission and the advisory board created under this act, shall recommend to the director rules, regulations and standards for:

(i) The creation of subclasses of wells within the existing Underground Injection Control (UIC) program administered by the United States Environmental Protection Agency under Part C of the Safe Drinking Water Act to protect human health, safety and the environment and allow for the permitting of the geologic sequestration of carbon dioxide;

SUMMARY OF PROPOSED REVISIONS TO CHAPTER 24

Water Quality Rules and Regulations Chapter 24 governs the construction, operation, and closure of Class VI wells for the purposes of geologic sequestration. Chapter 24 is based upon federal requirements under the Safe Drinking Water Act for underground injection of carbon dioxide (CO₂) for the purpose of geologic sequestration, located at 40 CFR Parts 124, 144, 145, 146, and 147. Subsequent to promulgation of Chapter 24 on November 5, 2010, the Class VI final federal rule was posted in the Federal Register on December 10, 2010. Proposed revisions to Chapter 24 include: requirements for financial assurance, requirements for transition from Class I, II, or V injection wells into Class VI wells, and requirements for operators or owners seeking waivers of the requirement to inject below the lowermost underground source of drinking water (USDW).

Section 1. Within the Authority and Purpose section is a provision noting that “the injection of carbon dioxide for purposes of a project for enhanced recovery of oil or other minerals approved by the Wyoming Oil and Gas Conservation Commission shall not be subject to the provisions of this regulation unless the operator converts to geologic sequestration upon the cessation of oil and gas recovery operations.” To this statement was added “or as otherwise required by the Commission.”

A reference was added which ties the new financial assurance requirements to the provisions of W.S. 35-11-313.

Section 2. Capitalization errors were corrected.

The definition of plume stabilization was added, as required by W.S. 35-11-313 (f)(vi)(F).

Section 3. A condition was added which explains that a demonstration to the Director will be required for owners and operators of permitted Class I, II, or V injection wells who are seeking to convert to a Class VI well. The conditions are as stringent as the federal requirements of 40 CFR part 146.82. Capitalization errors were corrected.

Section 4. Capitalization errors were corrected.

Section 5. Capitalization and grammar errors were corrected.

Conditions requiring public liability insurance, per W.S. 35-11-313, were added.

Section 7. Capitalization errors were corrected.

Section 8. Capitalization errors were corrected.

Section 9. Subparagraph (d) was added to explain the conditions required for owners or operators seeking a waiver of the requirement to inject below the lowermost underground source of drinking water (USDW). The requirements are as stringent as the federal requirements of 40 CFR part 146.95.

Section 10. Section 10, has been renamed from Logging, Sampling, and Testing Prior to Injection Well Operation to Class VI Injection Waiver Requirements. The language from the Logging, Sampling, and Testing Prior to Injection Well Operation section has shifted down to Section 11, and the remaining sections in the Chapter have shifted down also.

Class VI Injection Waiver Requirements is a new section which explains the requirements that must be met before the Division will waive the requirement to inject below a USDW. The new requirements are as stringent as the federal requirements of 40 CFR part 146.95.

Section 11. Capitalization errors were corrected.

Section 12. Capitalization errors were corrected.

Section 13. Capitalization errors were corrected.

Section 14. Capitalization errors were corrected.

Section 15. Capitalization errors were corrected.

Section 16. Capitalization errors were corrected.

Section 17. Paragraph (iv) and the accompanying subparagraphs (A) through (C) were added to subsection (d). The additional language explains public notice requirements for site closure activities, required by W.S. 35-11-313 (f)(vi)(F). Capitalization errors were corrected.

Section 18. Capitalization errors were corrected.

Section 19. The language previously contained in Section 18 was removed and replaced with specific conditions and requirements for financial assurance. The new financial assurance requirements are as stringent as the federal requirements of 40 CFR part 146.85.

Section 20. Capitalization errors were corrected.

Appendix A. Appendix A, the Risk Activity Table, is a new appendix which was added to assist in determining the risk associated with various activities in different phases of geologic sequestration.

The Council finds that these regulations are reasonable and necessary to accomplish the policy and purpose of the ACT, as stated in W.S. 35-11-102, and that they have been promulgated in accordance with rulemaking provisions of the Wyoming Administrative Procedures Act.

Dated this _____ day of _____, 2015.

Hearing Examiner – *Printed Name*
Name
Wyoming Environmental Quality Council
Quality Council

Hearing Examiner – **Signed**
Wyoming Environmental